

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SPOKANE RACEWAY PARK, INC.,

Plaintiff,

v.

ORVILLE L. MOE, et al,

Defendant.

No. CV-07-396-FVS

ORDER

THIS MATTER having come before the Court based upon a motion to dismiss for lack of prosecution; and the record reflecting that the appellant has, indeed, failed to prosecute his appeal in accordance with the Federal Rules of Bankruptcy Procedure; Now, therefore

IT IS HEREBY ORDERED:

1. The motion to dismiss **(Ct. Rec. 7) is granted.** The appeal is dismissed **without prejudice.**

2. The motion to dismiss **(Ct. Rec. 13) is moot.**

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to counsel and **close** the file.

DATED this 16th day of April, 2008.

s/ Fred Van Sickle
Fred Van Sickle
United States District Judge